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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/085,218

02/27/2002

Sunit B. Mangalvedhekar

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BAKER BOTTS L.L.P.

2001 ROSS AVENUE

SUITE 600

DALLAS, TX 75201-2980

EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,218

Applicant(s)

MANGALVEDHEKAR, SUNIT B.

Examiner

Hai V. Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 37-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 37-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the communication received on 18 April 2006.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 13, 24 and 37 have been considered but are moot in view of the new ground(s) of rejection as follows:

3. Claims 1-35 and 37-46 are presented for examination.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-35 and 37-46 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hoyle US patent # 6,771,290 B1**.

6. As to claim 1, Hoyle, teaches substantially the invention as claimed, including a method of accessing, by a client (*Fig. 1, user computer 18*), one or more files (*Fig. 1, program modules or software applications*) residing in a server (*Fig. 1, server 22*) comprising:

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requesting, by the client, downloading of a selected file residing in the server (*download request for a filename or an updated program module or an updated software (Fig. 1), the selected file associated with at least one associated file (individual file or resource or an user-selectable link or an updated version identifier or software update) and including instructions (user profile and library) to access, either directly or indirectly (accessing from anywhere on the network), the associated file (Abstract, Fig. 1, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34);*

in response to requesting downloading of the selected file, initiating downloading of the selected file and automatically determining the identity (*the version identifier*) of, and initiating downloading of, the at least one associated file (*Abstract, Fig. 1, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34);*

initiating storing, in a memory associated with the client, of the selected file and the at least one associated file under respective local identifiers (*category identifiers or software application identifiers*) (*Abstract, Fig. 1, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34).*

The heart of the invention is providing accessing a particular file and all of its associated files automatically and efficiently by the computer users. Hoyle exactly was directed to the same purpose, i.e., to provide accessing a software application and its update files anywhere in the network automatically and easily by the computer users.

7. As to claim 2, Hoyle discloses maintaining, by a document manager residing in the server, respective profiles of the one or more files (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34).*

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8. As to claim 3, Hoyle discloses, wherein the selected file is associated with at least one profile, the at least one profile identifying the at least one associated file (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34*).

9. As to claim 4, Hoyle discloses, wherein the profile identifies the at least one associated file by the Uniform Resource Locator (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34*).

10. As to claim 5, Hoyle discloses, wherein automatically determining the identity of, and initiating downloading of, the at least one associated file comprises examining a profile of the selected file, the profile identifying the at least one associated file (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34*).

11. As to claim 6, Hoyle discloses, and further comprising maintaining a respective status file for each of the selected file and the at least one associated file, each status file indicating one or more properties of the respective selected file and the at least one associated file (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

12. As to claim 7, Hoyle discloses, wherein the status file is a cookie file (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

13. As to claim 8, Hoyle discloses, wherein the status file consists solely of a timestamp indicative of a time of download (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

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14. As to claim 9, Hoyle discloses, wherein the status file comprises a timestamp indicative of a time of download, a check out status, and respective identities of the at least one associated file (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*)

15. As to claim 10, Hoyle discloses, wherein the memory associated with the client is a root of a cache, the root identified by a root directory identifier (*Abstract, Fig. 5, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

16. As to claim 11, Hoyle discloses, wherein each of the respective local identifiers comprises the root directory identifier (*Abstract, Fig. 5, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

17. As to claim 12, Hoyle discloses, generating, by the client, the one or more files for uploading to the server (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*);

generating, by the client, a profile associated with each of the one or more files (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*); and

uploading (*transferring*), by the client, the profile and the each of the one or more files to the server (*Abstract, Figs. 5-7, col. 5, line 5 – col. 8, line 50; col. 10, lines 21-34; col. 25, line 33 – col. 26, line 48*).

18. Claim 13 is similar limitations of claim 1, 4; therefore, it is rejected under the same rationale as in claims 1, 4.

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19. Claims 14-23 are similar limitations of claims 2-3, 5-12; therefore, they are rejected under the same rationale as in claims 2-3, 5-12.

20. Claim 24 is corresponding apparatus claim of claim 1; it is rejected under the same rationale as in claims 1.

21. Claims 25-35 similar limitations of claims 2-12; therefore, they are rejected under the same rationale as in claims 2-12.

22. Claim 37 is corresponding system claim of claim 1; it is rejected under the same rationale as in claims 1.

23. Claims 38-46 similar limitations of claims 4-12; therefore, they are rejected under the same rationale as in claims 2-12.

24. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 571-272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hai V. Nguyen
Examiner
Art Unit 2142



THONG VU

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